



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-THIRD LEGISLATURE

Bill 17

**An Act mainly to amend the Act
respecting natural gas storage
and natural gas and oil pipelines
in order to provide a framework
for underground reservoirs
and certain pipelines**

Introduction

**Introduced by
Mr. Samuel Poulin
Minister for the Economy and Small
and Medium Enterprises**

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EXPLANATORY NOTES

This bill amends the Act respecting natural gas storage and natural gas and oil pipelines mainly to allow and provide a framework for the exploration for underground reservoirs and certain fluids. It specifies that it does not have the effect of allowing or providing a framework for any activity prohibited under the Act ending exploration for petroleum and underground reservoirs and production of petroleum and brine.

The bill provides that a person cannot explore for, or operate or exploit, underground reservoirs or certain fluids, other than water, that are naturally present under the topsoil, without holding a licence which is awarded and exercised according to conditions determined by government regulation.

The bill empowers the Government to provide, by regulation, a framework for the standards applicable to the carrying out of work, in particular in the cases that require authorizations from the Minister of Economy, Innovation and Energy, and for the standards relating to site securing, closure, rehabilitation and restoration.

The bill provides for the cases where an underground reservoir or a fluid that is part of the domain of the State is reserved to the State or withdrawn from any exploration or operation or exploitation activity, in particular within an urbanization perimeter or a protected area. It provides that the Minister may temporarily suspend the awarding of a licence for a parcel of land until the Minister proceeds with a reservation to the State or a withdrawal.

Under the bill, the holder of a licence and the holder of a mining right whose rights cover the same territory are required to enter into an agreement respecting the exercise of their activities in the cases and on the conditions determined by regulation.

The bill provides for various measures, including the Minister's obligation to monitor sites where carbon storage activities have been carried out, the public nature of documents and information sent to the Minister by the licence holder, except documents and information determined by government regulation, and the possibility for the Government to authorize the implementation of a pilot project. It

limits the pipeline construction or use authorizations provided for by law to oil pipelines.

The bill provides for a mechanism and obligations to ensure that conditions for carrying out work are integrated into municipal by-laws. It provides for the possibility for a municipality, in certain cases and on conditions determined by government regulation, to prevent the carrying out of work.

Lastly, the bill contains consequential, transitional, and final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting land use planning and development (chapter A-19.1);
- Natural Heritage Conservation Act (chapter C-61.01);
- Act respecting municipal taxation (chapter F-2.1);
- Mining Act (chapter M-13.1);
- Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2);
- Parks Act (chapter P-9);
- Act ending exploration for petroleum and underground reservoirs and production of petroleum and brine (chapter R-1.01);
- Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1);
- Act respecting the lands in the domain of the State (chapter T-8.1);
- Act to amend the Act respecting the conservation and development of wildlife and other legislative provisions (2021, chapter 24).

Bill 17

AN ACT MAINLY TO AMEND THE ACT RESPECTING NATURAL GAS STORAGE AND NATURAL GAS AND OIL PIPELINES IN ORDER TO PROVIDE A FRAMEWORK FOR UNDERGROUND RESERVOIRS AND CERTAIN PIPELINES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING NATURAL GAS STORAGE
AND NATURAL GAS AND OIL PIPELINES

1. The title of the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1) is replaced by the following title:

“Act to provide a framework for underground reservoirs and certain pipelines”.

2. Section 1 of the Act is replaced by the following sections:

“**1.** The purpose of this Act is to provide a framework for the exploration for underground reservoirs and certain fluids, including hydrogen, and for their operation or exploitation as well as to provide a framework for the construction and use of certain pipelines, while ensuring the health and safety of persons, the security of property, the protection of the environment, and the energy transition, in compliance with the greenhouse gas emission reduction targets set by the Government.

“**2.** Nothing in this Act allows or provides a framework for any activity prohibited under the Act ending exploration for petroleum and underground reservoirs and production of petroleum and brine (chapter R-1.01).

“**2.1.** Fluids, other than water, minerals in any fluids and underground reservoirs, including pore spaces, when they are naturally present under the topsoil, are part of the domain of the State.”

3. Section 6 of the Act is amended

(1) in the definition of “pipeline”,

(a) by striking out “gas or” and “to inject, withdraw or transport gas or” in the introductory clause;

- (b) by inserting “natural” before “gas” in paragraph 1;
- (2) by replacing ““gas”” in the definition of “gas” by ““natural gas””;
- (3) by replacing “sismique-réflexion” in the definition of “levé géophysique” in the French text by “sismique-réflexion”;
- (4) by striking out the definition of “body of water”;
- (5) in the definition of “oil”,
 - (a) by striking out “produced at a well head”;
 - (b) by inserting “natural” before “gas”;
- (6) by replacing the definitions of “underground reservoir” and “well” by the following definitions:

““underground reservoir” means a subsurface geological environment, including pore spaces, that contains or may contain fluids, as well as the geological environment that allows the creation of such a reservoir;

““well” means any opening in the ground on a drilling site that is made, or is to be made or is in the process of being made, for the purpose of exploring for, or operating or exploiting, underground reservoirs and certain fluids or for any other purposes, excluding seismic shotpoints, groundwater observation wells, water wells, wells for environmental characterization purposes, geotechnical boreholes and mining wells, drill-holes or boreholes.”

4. The heading of Chapter II of the Act is amended by replacing “EXISTING NATURAL GAS OR WELLS” by “GAS OR EXISTING WELLS”.

5. Section 7 of the Act is amended by replacing “gas” and “notify the Minister and the local municipality in which the land is situated in writing and with dispatch” by “a fluid determined by government regulation” and “, in the cases and on the conditions prescribed in that regulation, notify in writing the Minister and the local municipality in which the land is situated”, respectively.

6. The heading of Chapter III of the Act is amended by replacing “STORAGE” by “LICENCES”.

7. Sections 9 to 12 of the Act are replaced by the following section:

“9. No one may, without holding a licence for that purpose,

(1) explore for an underground reservoir or a fluid, other than water, that is naturally present under the topsoil;

(2) operate an underground reservoir, including by storing a fluid; or

(3) exploit a fluid, other than water, that is naturally present under the topsoil.

The Government determines, by regulation, the fluids referred to in each subparagraph of the first paragraph and the activities referred to in subparagraphs 2 and 3 that may be carried out by a person who does not hold a licence.

Nothing in this section allows for an activity prohibited under the Act ending exploration for petroleum and underground reservoirs and production of petroleum and brine (chapter R-1.01) to be carried out with or without a licence.”

8. Section 15 of the Act is amended by replacing “storage rights conferred by a licence” in the first paragraph by “rights conferred by a licence under this Act”.

9. The Act is amended by inserting the following division after section 15:

“DIVISION III

“AWARDING OF LICENCES

“**16.** A licence gives its holder the right, within a perimeter and for a certain depth indicated therein, to carry out one or more of the activities referred to in the first paragraph of section 9.

The Government determines the territories for which licences may be awarded.

The Minister may award a licence for a territory from the date of publication of the plan that determines the territory in the *Gazette officielle du Québec* or on any later date indicated in the *Gazette officielle du Québec*.

“**17.** The Minister may award a licence to a person in the cases and on the conditions prescribed by government regulation.

“**18.** The Government determines, by regulation, the conditions for exercising a licence, in particular the cases in which an agreement must be entered into with the holder of a mining right within the meaning of the Mining Act (chapter M-13.1).

An agreement referred to in the first paragraph is binding on any person who acquires a licence or mining right.

The Minister may subject a licence to conditions designed to avoid conflicts with other uses of the territory, to ensure the optimal conduct of activities authorized under the licence, the health and safety of persons, the security of property and the protection of the environment, or to foster the involvement of local communities.

“19. When awarding or renewing a licence, the Government may, on reasonable grounds, require that the economic benefits within Québec of the carrying out of the activities covered by the licence be maximized.

“20. If a licence is awarded for private land or land leased by the State, the licence holder must, within 30 days after registration of the licence in the public register referred to in section 149 and in the manner the Government determines by regulation, notify the owner or lessee, the local municipality and the regional county municipality of the licence obtained.

“21. The holder of a licence authorizing exploration for an underground reservoir or a fluid must carry out, per period, a minimum amount of work in the territory that is covered by the licence.

The Government determines, by regulation,

(1) the value and nature of the work to be carried out and the period during which work will be carried out;

(2) the conditions and the calculation method applicable to the payment of an amount as compensation in the event the licence holder fails to carry out the required work;

(3) the conditions applicable, for a period, for a reduction in the work required; and

(4) the cases in which the Minister may refuse all or part of the work reported by the licence holder.

“22. A licence holder has a right of access within the perimeter covered by the licence.

If the licence is awarded for private land or land leased by the State, the holder must obtain written authorization from the owner or lessee at least 30 days before accessing the site or may acquire, by agreement, any real right or property necessary to access the perimeter and perform their work. If no agreement is reached, the Government may, in the case of a licence for the operation of an underground reservoir or the exploitation of a fluid, subject to the conditions the Government determines, authorize the holder to acquire the real rights or property by expropriation in accordance with the Act respecting expropriation (chapter E-25) so the holder may access the perimeter and perform their work.

If the perimeter of the licence is within the territory of a local municipality, the holder must inform the local municipality and the regional county municipality, in writing and at least 45 days before the work begins, of the work to be performed.

“23. A licence holder who intends to acquire a residential immovable or an immovable used for agricultural purposes that is situated on farm land must pay to the landowner the fees for the professional services required to negotiate the agreement, up to a maximum amount representing 10% of the value of the immovable as entered on the property assessment roll.

“24. A licence holder may, if a person is in illegal possession of any land in the domain of the State that is situated in whole or in part within the perimeter covered by the licence and the person refuses to relinquish possession of it, apply to a Superior Court judge for an eviction order.

In such a case, sections 60 to 62 of the Act respecting the lands in the domain of the State (chapter T-8.1) apply, with the necessary modifications.”

10. The heading of Division IV of Chapter III of the Act is replaced by the following heading:

“SPECIAL PROVISIONS APPLICABLE TO NATURAL GAS STORAGE LICENCES”.

11. Section 41 of the Act is amended by inserting “natural” before “gas storage”.

12. Subdivisions 2 and 3 of Division IV of Chapter III of the Act, comprising sections 49 to 61, are repealed.

13. Subdivision 5 of Division IV of Chapter III of the Act, comprising sections 65 to 67, is repealed.

14. The Act is amended by inserting the following division after section 67:

“DIVISION V

“DISPUTE SETTLEMENT

“68. A licence holder who must enter into an agreement with the holder of a mining right under the Mining Act (chapter M-13.1) in accordance with a regulation made under section 18 may, when both holders are unable to enter into such an agreement, in the cases and on the conditions prescribed by the regulation, ask an external decider to set the conditions allowing the licence holder to carry out the activities covered by this Act without having to enter into an agreement.

In such a case, the holder of a mining right concerned is required to participate in the dispute settlement process before the external decider. Failing such participation, that process may, on the conditions determined by government regulation, take place without the right holder’s participation.

The Minister designates the external decider jointly with the Minister of Natural Resources and Wildlife.

“69. The parties to the dispute must comply with the decision rendered on the conditions indicated in the decision. Furthermore, the party that is required, under such a decision, to pay a sum must do so within the time determined in the decision. A sum that is unpaid at the expiry of the time limit bears interest at the rate determined by government regulation.

The decision of the external decider is deemed to be an agreement entered into by the parties.

“70. In a case of failure by the debtor to comply with a decision rendered by an external decider within the prescribed time, the creditor may, at the expiry of that time limit, file a copy of the decision with the office of the competent court to obtain its forced execution.

Such forced execution is effected in accordance with the rules set out in the Code of Civil Procedure (chapter C-25.01).

“71. No legal proceedings may be brought against an external decider for acts performed in the exercise of their functions, unless they acted in bad faith or committed an intentional or gross fault.

Nor may such an external decider be compelled, in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions, to make a deposition on information obtained in the exercise of the decider’s functions or to produce a document containing such information.

“71.1. No one may derogate from the provisions of this division by agreement.”

15. The heading of Division VI of Chapter III of the Act is amended by replacing “AUTHORIZATION OF CERTAIN WORK OR ACTIVITIES” by “WORK AUTHORIZATION”.

16. Subdivisions 1 to 8 of Division VI of Chapter III of the Act, comprising sections 72 to 100, are replaced by the following sections:

“72. No one may carry out work, including the erection of a construction or a facility, within the framework of this Act, except in accordance with what is prescribed by government regulation.

The regulation prescribes

(1) the work that can be carried out by a licence holder with the Minister’s authorization and the conditions for obtaining that authorization;

(2) the cases in which and conditions on which work can be carried out by a licence holder without the Minister's authorization;

(3) the cases in which and conditions on which a person other than the licence holder is authorized to carry out work under subparagraph 1 or 2; and

(4) the conditions for carrying out work and the obligations of the licence holder or of a person who is authorized to carry out work under subparagraph 3.

The Minister may subject an authorization referred to in subparagraph 1 of the second paragraph to other conditions the Minister considers appropriate, in particular to ensure the health and safety of persons, the security of property and the protection of the environment, and to foster the involvement of local communities.

“73. When the Minister authorizes, under subparagraph 1 of the second paragraph of section 72, work that must be carried out in compliance with conditions relating to land occupation, the Minister so notifies the regional county municipality or the local municipality that is the responsible body with respect to the land use and development plan covering the territory concerned.

The municipality referred to in the first paragraph must ensure that its land use and development plan is consistent with the conditions imposed by the Minister under section 72. The municipality must make any amendment to the plan that is conducive to better ensuring such consistency, in particular with regard to any distance to be respected because of land use constraints, in accordance with the rules prescribed for that purpose by the Act respecting land use planning and development (chapter A-19.1). It must also take the appropriate interim control measures according to the rules prescribed by that Act.

“74. Any person who carries out work in accordance with section 72 must secure, close, rehabilitate and restore the site concerned in accordance with the standards determined by government regulation.

The regulation may prescribe the payment of financial guarantees, the amount of which is determined by the Minister, as well as cases in which and conditions on which site securing, closure, rehabilitation or restoration must be the subject of authorizations or declarations of satisfaction from the Minister.

“75. If a person fails to comply with any condition or obligation provided for under this division, the Minister may order them to comply within the time the Minister specifies.

If the person fails to do so, the Minister may, in addition to imposing any other civil, administrative or penal sanction, cause the required work to be performed at the person's expense. The Minister may recover the cost of the work out of any financial guarantee furnished, among other means.

“76. The Minister may, in the cases and on the conditions determined by regulation, release a person from the obligations provided for in this division.

“77. No one, except a person authorized under this Act, may move, disturb or damage a construction or a facility erected or equipment used under this division.”

17. Chapter IV of the Act, comprising sections 101 to 115, is repealed.

18. Section 124 of the Act is amended

(1) by replacing “a pipeline” by “an oil pipeline”;

(2) by replacing “of real and immovable rights related to natural gas storage and natural gas and oil pipelines” by “referred to in section 149”.

19. Section 128 of the Act is amended

(1) in the first paragraph,

(a) by striking out “storage”;

(b) by replacing “a pipeline” by “an oil pipeline”;

(c) by replacing “emanations or migrations of gas or spills of oil or other liquids” by “spills, emanations or migrations of fluids or any other event determined by government regulation”;

(2) in the third paragraph,

(a) by replacing “in the form and manner” by “on the conditions and in the manner”;

(b) by striking out “to an amount determined by the Government”.

20. Section 129 of the Act is amended

(1) by striking out “storage”;

(2) by replacing “a pipeline” by “an oil pipeline”.

21. Section 130 of the Act is replaced by the following section:

“130. The Minister may, where a spill, emanation or migration of fluids or any other event determined by government regulation causes or is likely to cause injury or damage with respect to the health and safety of persons, the security of property or the protection of the environment, order the person

responsible for the spill, emanation, migration or event, the person who is or was holding a licence, or the person who is or was holding an oil pipeline construction or use authorization to perform the work that is necessary to remedy the situation.

The person referred to in the first paragraph must, before performing the work, notify the Minister and every landowner, local municipality and regional county municipality concerned. The Government determines, by regulation, the conditions applicable to such notice.

If the person fails to comply with the requirements within the prescribed time, the Minister may, in addition to imposing any other civil, administrative or penal sanction, cause the work necessary to remedy the situation to be performed at that person's expense."

22. The Act is amended by inserting the following section after section 131:

"131.1. Despite any provision to the contrary in the Sustainable Forest Development Act (chapter A-18.1), the Natural Heritage Conservation Act (chapter C-61.01), the Act respecting the conservation and development of wildlife (chapter C-61.1), the Act respecting threatened or vulnerable species (chapter E-12.01) or the Parks Act (chapter P-9), where a spill, emanation or migration of fluids or any other event determined by government regulation causes or is likely to cause injury or damage with respect to the health and safety of persons, the security of property or the protection of the environment, the person ordered by the Minister to perform work under section 130 and the person required to implement protective and safety measures under section 131, where applicable, or the person who performs such work for the Minister where those persons fail to comply with the Minister's order, may carry out the work required to remedy the situation and access any land necessary for that purpose, subject to the obligation to restore the land to its former condition.

In such a case, the minister responsible for the administration of the Acts referred to in the first paragraph must be notified in writing of the nature of the work, its location and the expected timeline before work is carried out."

23. The heading of Chapter VII of the Act is amended by replacing "STORAGE" by "AN UNDERGROUND RESERVOIR".

24. Section 132 of the Act is amended

(1) in the first paragraph,

(a) by striking out "storage";

(b) by replacing "reservoir" by "underground reservoir or fluid";

(2) by replacing both occurrences of "gas storage" by "the underground reservoir or fluid".

25. Section 133 of the Act is amended by replacing “by the Minister to carry out work related to protective, closure or site restoration measures may enter, at any reasonable time, for the purposes of their work,” by “or ordered by the Minister to carry out work in accordance with this Act has access, at any reasonable time, for the purpose of carrying out their work, to”.

26. Section 134 of the Act is amended by striking out “storage” in the first paragraph.

27. Section 135 of the Act is amended by replacing “111” by “75”.

28. Section 138 of the Act is repealed.

29. Section 140 of the Act is replaced by the following section:

“140. The documents and information sent to the Minister by the licence holder under this Act are public, except for those identified by government regulation, for the period determined by the regulation.

The Government may, by regulation, determine the documents and information that are public and that must be published on the website of the Ministère de l'Économie, de l'Innovation et de l'Énergie, on the conditions it determines.

This section applies subject to the right-of-access restrictions provided for in section 28 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

30. Section 142 of the Act is amended

(1) in the first paragraph,

(a) by replacing “gas storage work or activity any land containing an underground reservoir if necessary” in the introductory clause by “work or activity provided for in this Act any underground reservoir or fluid that is part of the domain of the State where necessary in order to enable the implementation of the land use plan for the land area in the domain of the State prepared under the Act respecting lands in the domain of the State (chapter T-8.1) or”;

(b) by replacing “or protected areas” in subparagraph 4 by “, protected areas or other effective conservation measures within the meaning of the Natural Heritage Conservation Act (chapter C-61.01)”;

(c) by replacing “eskers that may be” in subparagraph 6 by “aquifers with a strong potential for being”;

(d) by inserting “or wetlands of interest” after “biological refuges” in subparagraph 7;

(e) by adding the following subparagraph at the end:

“(8) respect for protection areas established under a regulation made under subparagraph *k* of paragraph 16 of section 46 of the Environment Quality Act (chapter Q-2).”;

(2) by replacing the second paragraph by the following paragraphs:

“When an order is made under subparagraph 4 of the first paragraph, the reservation or withdrawal must include any reservoir and fluid situated under the vertical projection of the park or protected area concerned.

The Minister may, by order and on the conditions set by the Minister, allow an underground reservoir or a fluid that is part of the domain of the State and that has been reserved to the State or withdrawn from any activity to be the subject of activities determined by the Minister in accordance with this Act.

Before making an order under the first, second or third paragraph, the Minister must consult the Minister of Sustainable Development, Environment and Parks where the order concerns a territory registered in the register of protected areas in Québec under section 5 of the Natural Heritage Conservation Act or relates to a purpose referred to in any of subparagraphs 3 to 6 and 8 of the first paragraph.

An order referred to in the first, second or third paragraph is registered in the public register referred to in section 149. It comes into force on the date of its publication or on any later date specified in the order.”

31. The Act is amended by inserting the following sections after section 142:

“142.1. The Minister may, by order, temporarily suspend the awarding of a licence for a territory whose perimeter is indicated in the order until the Minister proceeds with a reservation to the State or a withdrawal under section 142.

The suspension takes effect on the date specified in the Minister’s order. The order is registered in the public register referred to in section 149.

“142.2. Any underground reservoir and fluid situated on land included within an urbanization perimeter delimited in a land use and development plan in accordance with the Act respecting land use planning and development (chapter A-19.1) are withdrawn from any activity provided for in this Act.

The first paragraph does not apply to land situated within the perimeter of a natural gas storage licence or by a licence awarded before the land was included in an urbanization perimeter delimited in a land use and development plan.

“142.3. A regional county municipality may, after consulting the local municipality where the land on which the underground reservoirs and fluids have been withdrawn under section 142.2 is situated or at that municipality’s request, apply to the Minister, by resolution, for the partial or total lifting of the withdrawal.

Where more than 10 years have elapsed since the lifting of a withdrawal referred to in the first paragraph, the regional county municipality may, after consulting the local municipality where the land on which the underground reservoirs and the fluids are the subject of the lifting is situated or at that municipality’s request, apply to the Minister, by resolution, for the partial or total reinstatement of the withdrawal.

Reinstatement of the withdrawal under the second paragraph does not terminate the rights granted under this Act before the reinstatement or prevent their amendment or transfer. Nor does it prevent the awarding of a licence requested before the reinstatement or of a licence for land situated within the perimeter of a licence revoked following the reinstatement.

Where a regional county municipality does not decide on a local municipality’s request referred to in the first or second paragraph within 120 days after the request, the local municipality may apply to the Minister, by resolution, for the lifting or reinstatement of a withdrawal.

A regional county municipality may require, from a local municipality requesting it to lift or reinstate a withdrawal, any information or document necessary for assessing the request. The 120-day time limit prescribed in the fourth paragraph is suspended until the required information or documents have been received by the regional county municipality.

A notice that the land on which any underground reservoir or fluid is withdrawn from any activity referred to in section 142.2 and an order authorizing the lifting or reinstatement of the withdrawal referred to in the first or second paragraph of this section are registered in the public register referred to in section 149 and take effect on the date indicated in the notice or order.

For the purposes of this section, with the necessary modifications, the following are considered regional county municipalities:

(1) the urban agglomeration councils of Ville de Montréal, Ville de Québec, Ville de Longueuil, Ville de La Tuque and Municipalité des Îles-de-la-Madeleine; and

(2) the local municipalities whose territory is not included in that of a regional county municipality, excluding a local municipality whose territory is included in that of an urban agglomeration whose central municipality is referred to in subparagraph 1.

“142.4. The Minister may, by order, after obtaining the opinion of every local municipality or regional county municipality concerned, authorize work relating to an underground reservoir or fluid withdrawn under section 142.2, on the conditions the Minister determines, to monitor activities or redress injury caused by work carried out under this Act.

“142.5. The Government may, by regulation, determine the cases in which and conditions on which a provision of a by-law adopted under subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1) may, despite section 246 of that Act, prevent the carrying out of work in accordance with this Act.

“142.6. The Minister must, following the surrender, expiry or revocation of a licence awarded for carbon storage purposes, and where any obligations relating to site securing, closure, rehabilitation and restoration have been complied with, monitor the perimeter that was covered by the licence. The Minister may implement any site operation, maintenance, closure, monitoring or auditing plan or program in order to ensure the health and safety of persons, the security of property and the protection of the environment.

The Minister may, on the Minister’s own initiative, in particular for the purpose of ensuring the health and safety of persons, the security of property and the protection of the environment, enter, at any reasonable time, any immovable in order to carry out inventories, surveys, examinations or analyses and any other activity or work required, subject to compensating any damage which may be caused.

If applicable, the Minister must obtain the opinion of the Minister of Sustainable Development, Environment and Parks before carrying out an activity or work in a territory registered in the register of protected areas in Québec under section 5 of the Natural Heritage Conservation Act (chapter C-61.01) or before carrying out an activity or work that may have an impact on such a territory.”

32. Section 144 of the Act is amended

(1) by striking out “storage” in the introductory clause;

(2) by replacing “territory” in paragraph 4 by “perimeter covered by the licence”.

33. Section 145 of the Act is amended

(1) in the first paragraph,

(a) by striking out “storage”;

(b) by inserting “or if the health and safety of persons, the security of property, the protection of the environment and the optimal management of an underground reservoir or a fluid are not ensured” at the end;

(2) by replacing “of real and immovable rights related to natural gas storage and natural gas and oil pipelines” in subparagraph 2 of the fourth paragraph by “referred to in section 149”.

34. Section 149 of the Act is amended by replacing “of real and immovable rights related to natural gas storage and natural gas and” by “relating to the exploration for, and operation or exploitation of, underground reservoirs and certain fluids or to the use of”.

35. Section 150 of the Act is amended

(1) by replacing subparagraphs 1 to 4 of the first paragraph by the following subparagraphs:

“(1) the licences awarded, their renewal, extension, transfer, surrender, amendment, suspension, revocation or expiry and any other act relating to the rights they confer;

“(2) any order referred to in the second paragraph of section 16;

“(3) any agreement entered into by a licence holder and the holder of a mining right;

“(4) the authorizations granted, their renewal, extension, transfer, surrender, amendment, suspension, revocation or expiry and, where applicable, any other act relating to the immovable property arising from them; and

“(5) any order referred to in sections 142 and 142.1 and any notice provided for in the sixth paragraph of 142.3.”;

(2) by replacing “document” in the second paragraph by “information”;

(3) by replacing “titles evidencing the rights referred to in subparagraph 1 of” in the third paragraph by “documents attesting the information referred to in”.

36. Section 151 of the Act is amended

(1) by replacing “, and every other act relating to such rights and referred to in subparagraph 1 of the first paragraph of section 150,” and “instrument evidencing the transfer or act” in the first paragraph by “or any other information” and “document attesting the transfer or information”, respectively;

- (2) in the second paragraph,
- (a) by replacing “act” by “information”;
- (b) by inserting “or a third person” after “State”.

37. Section 155 of the Act is amended

- (1) by replacing “of any work or activity” in the first paragraph by “of work”;
- (2) by replacing “of the work or activity” in the second paragraph by “of the work”.

38. Section 160 of the Act is amended by replacing “the second paragraph of section 54, sections 61, 73, 78, 85, 91, 93, 105, 108 or” by “section 74, section”.

39. Section 187 of the Act is amended by replacing “section 7 or 57, the third paragraph of section 58 or section 80, 81, 98, 100 or” in paragraph 2 by “any of sections 7, 20 and”.

40. Section 188 of the Act is replaced by the following section:

“188. A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on any person who does not comply with a requirement of the Minister imposed under subparagraph 1 of the second paragraph of section 132.”

41. Section 189 of the Act is amended by replacing “section 9, 99, 108, 116, 127 or” by “any of sections 72, 116, 127 and”.

42. Section 190 of the Act is amended

- (1) by replacing “95 to 97, the first paragraph of section 110 and section 126” in paragraph 1 by “9, 74, 126 and 131.1”;
- (2) by striking out paragraph 2.

43. Section 199 of the Act is amended by replacing “section 7 or 57, the third paragraph of section 58 or section 80, 81, 98, 100 or” in paragraph 1 by “any of sections 7, 20 and”.

44. Section 200 of the Act is replaced by the following section:

“200. Anyone who does not comply with a requirement of the Minister imposed under subparagraph 1 of the second paragraph of section 132 is guilty of an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and \$7,500 to \$1,500,000 in any other case.”

45. Section 202 of the Act is amended by replacing “section 3, 9, 99, 108, 116 or” by “any of sections 3, 72, 116 and”.

46. Section 203 of the Act is amended by replacing paragraphs 1 and 2 by the following paragraph:

“(1) contravenes any of sections 9, 74 and 126; or”.

47. Section 204 of the Act is amended

(1) by replacing both occurrences of “the guarantee” by “a guarantee”;

(2) by striking out “does not comply with a requirement of the Minister imposed under section 109 or”.

48. Section 207 of the Act is replaced by the following section:

“207. In addition to the other regulatory powers conferred on it by this Act, the Government may, by regulation,

(1) determine the guarantees, the amount of which is determined by the Minister, to be paid or furnished for any formality or measure provided for in this Act and their conditions of payment;

(2) determine the duties payable for any formality or measure provided for in this Act as well as the applicable calculation method and the conditions of payment;

(3) determine any information or document, including any reports, declarations or certificates, that is to be provided for the purposes of this Act as well as the particular method, medium or format that must be used for that purpose;

(4) where it is not otherwise provided for in this Act, provide for any condition regarding the term, extension, renewal, transfer, amendment, suspension, expiry, surrender or revocation of a licence or authorization, as the case may be;

(5) determine the conditions for the establishment and maintenance of an advisory committee by a licence holder as well as the rules concerning the composition, organization, mission and operation of the committee, in particular with respect to such matters as the independence of committee members, the information and documents a licence holder must provide to the committee, the nature of the costs that are reimbursed to committee members by the licence holder, the minimum number of meetings the committee must hold each year and the production of an annual report by the committee as well as any other condition applicable to the licence holder;

(6) determine the conditions for the pooling or common operation of an underground reservoir;

(7) prohibit the carrying out of activities or work near a well, a stratigraphic survey or another facility, in particular to ensure the health and safety of persons, the security of property and the protection of the environment, and determine the cases and conditions allowing the lifting of a prohibition and the carrying out of the activities or work, with the authorization of the Minister;

(8) determine the provisions of a regulation whose violation constitutes an offence and renders the offender liable to a fine and set the minimum and maximum amounts of the fine without exceeding the amounts set out in section 202; and

(9) prescribe, in relation to a right conferred by a licence or by an authorization applicable in a zone other than on land, additional conditions or obligations or conditions or obligations that are different from those prescribed by this Act and the regulations, given that such conditions or obligations may vary depending on the setting concerned.”

49. Section 207.1 of the Act is replaced by the following section:

“**207.1.** The regulatory powers set out in sections 72 and 131 include the power to entirely prohibit the carrying out of activities or work.”

50. The Act is amended by inserting the following chapter after section 207.1:

“CHAPTER XVII.1

“PILOT PROJECT

“**207.2.** The Government may, for a period of up to five years, which can be extended by up to two years, authorize the implementation of a pilot project relating to any matter referred to in this Act or the regulations and the purpose of which is to, as the case may be,

- (1) study, improve or define standards or methodologies;
- (2) acquire geoscientific knowledge or support research, development or innovation, including by testing new technologies; or
- (3) undertake research work with respect to innovating sectors.

The authorized pilot project determines the activities covered, the rights in the territory, the underground reservoir or the fluid and the standards and obligations applicable within the framework of the pilot project’s implementation, which may differ from the rights, standards and obligations set out in this Act or the regulations, without compromising the health and safety of persons, the security of property or the protection of the environment. It also determines

the monitoring and reporting mechanisms applicable within the framework of the project as well as the information that is required to exercise those mechanisms and that must be sent to the Minister by any person. It may also determine the standards and conditions that apply to the pilot project and whose violation constitutes an offence and set the minimum and maximum amounts of the fine to which the offender is liable. The maximum penalties may, in particular, vary according to the importance of the standards to which the contravention relates, but may not exceed \$1,000,000 in the case of a natural person and \$6,000,000 in any other case.

The Minister publishes the pilot project on the website of the Ministère de l'Économie, de l'Innovation et de l'Énergie.

The person authorized to implement the pilot project has a right of access to the territory that is subject to the pilot project.

The pilot project may be terminated or amended at any time with the Government's authorization.

The territory covered by the pilot project is deemed to have been determined by the Government under the second paragraph of section 16 for the purpose of awarding a licence.”

51. The Act is amended

(1) by replacing “storage” in the following provisions by “natural gas storage”:

- (a) the heading of subdivision 1 of Division IV of Chapter III;
- (b) section 43;

(2) by replacing “pipeline” and “a pipeline” in the following provisions by “oil pipeline” and “an oil pipeline”, respectively:

- (a) the heading of Chapter V;
- (b) section 116, wherever they appear;
- (c) section 117;
- (d) the first paragraph of section 118;
- (e) the heading of Division III of Chapter V;
- (f) section 121, wherever they appear;
- (g) the first paragraph of section 122, wherever they appear;
- (h) the first paragraph of section 123;

- (i) section 125, wherever they appear;
- (j) the first paragraph of section 126;
- (k) section 127, wherever they appear;
- (l) the first paragraph of section 131, wherever they appear.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

52. Section 246 of the Act respecting land use planning and development (chapter A-19.1) is amended by replacing “exploration of mineral substances carried on in accordance with the Mining Act (chapter M-13.1), or gas storage carried on in accordance with the Act respecting natural gas storage and natural gas and oil pipelines” in the first paragraph by “mining of mineral substances carried on in accordance with the Mining Act (chapter M-13.1), or the search for, or operation or exploitation of, an underground reservoir or a fluid in accordance with the Act to provide a framework for underground reservoirs and certain pipelines”.

NATURAL HERITAGE CONSERVATION ACT

53. Section 12.3 of the Natural Heritage Conservation Act (chapter C-61.01) is amended by replacing subparagraph 3 of the second paragraph by the following subparagraph:

“(3) exploration for, or operation or exploitation of, an underground reservoir or a fluid referred to in section 9 of the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1), except work referred to in sections 130, 131, 131.1 and 142.6 of that Act;”.

54. Section 49 of the Act is amended by replacing “natural gas storage” in subparagraph 3 of the first paragraph by “exploration for, or operation or exploitation of, an underground reservoir or a fluid referred to in section 9 of the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1), except work referred to in sections 130, 131, 131.1 and 142.6 of that Act”.

55. Section 55 of the Act is amended by replacing “natural gas storage” in subparagraph 2 of the first paragraph by “exploration for, or operation or exploitation of, an underground reservoir or a fluid referred to in section 9 of the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1), except work referred to in sections 130, 131, 131.1 and 142.6 of that Act”.

ACT RESPECTING MUNICIPAL TAXATION

56. Section 63 of the Act respecting municipal taxation (chapter F-2.1) is amended, in the first paragraph,

(1) by inserting “or of a right referred to in the first paragraph of section 15 of the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1), a territory referred to in section 142.6 of that Act” after “exploration right” in subparagraph 3;

(2) by inserting the following subparagraph after subparagraph 4:

“(4.1) any well, stratigraphic survey or other facility registered in the public register referred to in section 149 of the Act to provide a framework for underground reservoirs and certain pipelines;”.

57. Section 65 of the Act is amended by inserting the following subparagraph after subparagraph 4 of the first paragraph:

“(4.1) underground reservoirs, fluids, wells, stratigraphic surveys, connection networks and other equipment used for the purposes of activities authorized under the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1);”.

MINING ACT

58. Section 13 of the Mining Act (chapter M-13.1) is amended

(1) by replacing paragraph 4 by the following paragraph:

“(4) register the following instruments relating to exclusive exploration rights:

—promises to purchase;

—agreements entered into with the holder of a licence awarded for the purpose of exploring for, or operating or exploiting, an underground reservoir or a fluid within the meaning of the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1).”;

(2) by adding the following paragraph at the end:

“Subject to section 14, the agreements entered into with the holder of a licence awarded for the purpose of exploring for, or operating or exploiting, an underground reservoir or a fluid within the meaning of the Act to provide a framework for underground reservoirs and certain pipelines are binding on any subsequent purchaser of the mining right or of the licence.”

59. Section 14 of the Act is amended by inserting “or a third person” after “State” in the second paragraph.

60. The Act is amended by inserting the following section after section 53:

“54. The holder of an exclusive exploration right must comply with the conditions for exercising that right prescribed by regulation.

A regulation made under the first paragraph may require, for certain work to be carried out, the entering into of an agreement with the holder of a licence awarded for the purpose of exploring for, or operating or exploiting, an underground reservoir or a fluid within the meaning of the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1).”

61. Section 116 of the Act is amended by adding the following paragraph at the end:

“A regulation made under the first paragraph may require, for certain work to be carried out, the entering into of an agreement with the holder of a licence awarded for the purpose of exploring for, or operating or exploiting, an underground reservoir or a fluid within the meaning of the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1).”

62. Section 152 of the Act is amended by adding the following paragraph at the end:

“A regulation made under the first paragraph may require, for certain work to be carried out, the entering into of an agreement with the holder of a licence awarded for the purpose of exploring for, or operating or exploiting, an underground reservoir or a fluid within the meaning of the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1).”

63. The Act is amended by inserting the following division after section 234.1, enacted by section 99 of chapter 36 of the statutes of 2024:

“DIVISION IV.1

“DISPUTE SETTLEMENT

“234.2. The holder of a mining right who must enter into an agreement with the holder of a licence awarded for the purpose of exploring for, or operating or exploiting, an underground reservoir or a fluid under the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1), in accordance with a regulation made under section 54, 116 or 152 of this Act, may, when they are unable to enter into such an agreement, in the cases and on the conditions prescribed by the regulation, ask an external decider to set the conditions allowing the holder of the mining right to carry out activities covered by this Act without having to enter into an agreement.

In such a case, the licence holder is required to participate in the dispute settlement process before the external decider. Failing such participation, that process may, according to the terms determined by government regulation, take place without the licence holder's participation.

The Minister designates the external decider referred to in the first paragraph jointly with the Minister of Economy, Innovation and Energy.

“234.3. The parties to the dispute must comply with the decision rendered on the terms and conditions indicated in the decision. Furthermore, the party that is required, under such a decision, to pay a sum must do so within the time determined in the decision. A sum that is unpaid at the expiry of the time limit bears interest at the rate determined by government regulation.

The decision of the external decider is deemed to be an agreement entered into by the parties.

“234.4. In a case of failure by the debtor to comply with a decision rendered by an external decider within the prescribed time, the creditor may, at the expiry of that time limit, file a copy of the decision with the office of the competent court to obtain its forced execution.

Such forced execution is effected in accordance with the rules set out in the Code of Civil Procedure (chapter C-25.01).

“234.5. No legal proceedings may be brought against an external decider for acts performed in the exercise of their functions, unless they acted in bad faith or committed an intentional or gross fault.

Nor may such an external decider be compelled, in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions, to make a deposition on information obtained in the exercise of the decider's functions or to produce a document containing such information.

“234.6. No person may derogate from the provisions of this division by agreement.”

64. Section 306 of the Act is amended by inserting the following paragraphs after paragraph 26.4.3:

“(26.4.4) determine the terms referred to in section 234.2 according to which the dispute settlement process may take place without the other party's participation;

“(26.4.5) determine the time within which a party must pay a sum in accordance with section 234.3 as well as the interest rate on an unpaid sum at the expiry of the time limit;”.

ACT RESPECTING THE MINISTÈRE DES RESSOURCES
NATURELLES ET DE LA FAUNE

65. Section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) is amended

(1) by replacing “a fossil energy” and “Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1), of the other provisions of that Act” in subparagraph 5 of the first paragraph by “an underground reservoirs and certain pipelines” and “Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1), of other provisions of those Acts”, respectively;

(2) by inserting the following paragraph after the first paragraph:

“For the purposes of subparagraph 5 of the first paragraph, the sums collected under the Act to provide a framework for underground reservoirs and certain pipelines or the regulations as well as the income from the investment of those sums are allocated exclusively to the financing of the activities necessary for the application of that Act.”

66. Section 17.12.19 of the Act is amended

(1) by inserting the following paragraph after the first paragraph:

“For the purposes of subparagraphs 1 and 4 of the first paragraph, the sums collected under the Act to provide a framework for underground reservoirs and certain pipelines or the regulations as well as the income from the investment of those sums are credited separately from any other sum to the underground reservoirs and certain pipelines management component of the Fund.”;

(2) by replacing “fossil energy” and “Act respecting natural gas storage and natural gas and oil pipelines” wherever they appear by “underground reservoirs and certain pipelines” and “Act to provide a framework for underground reservoirs and certain pipelines”, respectively.

PARKS ACT

67. Section 7 of the Parks Act (chapter P-9) is amended by inserting “, nor does it apply to the activities referred to in sections 130, 131, 131.1 and 142.6 of the Act respecting underground reservoirs and certain pipelines (chapter S-34.1)” at the end of the third paragraph.

ACT ENDING EXPLORATION FOR PETROLEUM
AND UNDERGROUND RESERVOIRS AND PRODUCTION
OF PETROLEUM AND BRINE

68. Section 10 of the Act ending exploration for petroleum and underground reservoirs and production of petroleum and brine (chapter R-1.01) is amended by replacing “storage licence within the meaning of the Act respecting natural gas storage and natural gas and oil pipelines” in the third paragraph by “licence referred to in the Act to provide a framework for underground reservoirs and certain pipelines”.

69. Section 23 of the Act is amended by replacing “natural gas storage licence provided for by the Act respecting natural gas storage and natural gas and oil pipelines” in the first paragraph by “licence referred to in the Act to provide a framework for underground reservoirs and certain pipelines”.

70. Section 40 of the Act is amended by striking out the second paragraph.

71. Chapter VII of the Act, comprising sections 42 to 47, is repealed.

72. Section 55 of the Act is amended by replacing “, of the regulations or of a pilot project implemented under Chapter VII” in the introductory clause of the first paragraph by “or of the regulations”.

73. Section 57 of the Act is amended by striking out paragraph 5.

74. Section 58 of the Act is amended by striking out “or in the order authorizing a pilot project”.

ACT RESPECTING THE LANDS IN THE DOMAIN OF THE STATE

75. Section 35 of the Act respecting the lands in the domain of the State (chapter T-8.1) is amended

(1) by inserting “or the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1)” at the end of the first paragraph;

(2) in the second paragraph,

(a) by inserting “or that is under a licence, other than for the purpose of exploring for an underground reservoir or a fluid, referred to in the Act to provide a framework for underground reservoirs and certain pipelines” after “an exclusive lease to mine surface mineral substances”;

(b) by inserting “or by the licence holder” at the end.

ACT TO AMEND THE ACT RESPECTING THE CONSERVATION
AND DEVELOPMENT OF WILDLIFE
AND OTHER LEGISLATIVE PROVISIONS

76. Section 64 of the Act to amend the Act respecting the conservation and development of wildlife and other legislative provisions (2021, chapter 24), amended by section 10 of chapter 10 of the statutes of 2022 and by section 44 of chapter 12 of the statutes of 2025, is again amended, in the section 122.3 of the Act respecting the conservation and development of wildlife (chapter C-61.1) that it enacts,

(1) by replacing “natural gas storage purposes” in subparagraph 3 of the first paragraph by “the exploration for, or operation or exploitation of, an underground reservoir or a fluid referred to in section 9 of the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1), except for activities referred to in sections 130, 131.1 and 142.6 of that Act”;

(2) by replacing “mineral substances mining” in the third paragraph by “to mine mineral substances or to operate or exploit an underground reservoir or a fluid”.

77. Section 123 of the Act is amended by replacing “mineral substances mining, petroleum production or storage, or brine production” by “to mine mineral substances or to operate or exploit an underground reservoir or a fluid”.

TRANSITIONAL AND FINAL PROVISIONS

78. Chapter V of the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1) applies to any oil or natural gas pipeline built or used before 20 September 2018.

79. Natural gas storage licences awarded under the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1) in force on (*insert the date of assent to this Act*) are, from that date, governed by the provisions of the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1), as amended by this Act.

No natural gas storage licence may be awarded under this Act outside the perimeter of the licences referred to in the first paragraph. The perimeter is deemed to have been determined by the Government under the second paragraph of section 16 of the Act to provide a framework for underground reservoirs and certain pipelines.

The authorizations issued under the Act respecting natural gas storage and natural gas and oil pipelines before the coming into force of section 72 of the Act to provide a framework for underground reservoirs and certain pipelines, enacted by section 16 of this Act, are deemed to have been issued in accordance with section 72 of that Act, with the necessary modifications.

80. The authorizations issued under the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1) in force on the date preceding the date of coming into force of section 72 of the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1), enacted by section 16 of this Act, are deemed to have been issued in accordance with section 72 of that Act, with the necessary modifications.

81. Pending applications for the authorization of a pilot project under section 43 of the Act ending exploration for petroleum and underground reservoirs and production of petroleum and brine (chapter R-1.01) sent before (*insert the date of assent to this Act*) are continued and processed under Chapter XVII.1 of the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1), enacted by section 50 of this Act.

82. From (*insert the date of assent to this Act*), the underground reservoirs and fluids, other than water, that are naturally present under the topsoil situated within the limits of the vertical projection of any protected area registered in the register referred to in section 5 of the Natural Heritage Conservation Act (chapter C-61.01) on that date are withdrawn from exploration and from operation or exploitation.

The Minister may, on the conditions set by the Minister, allow an underground reservoir or a fluid withdrawn under the first paragraph to be the subject of activities determined by the Minister, after consulting the Minister of Sustainable Development, Environment and Parks.

The withdrawal or permission provided for in this section is deemed to have been made by order in accordance with section 142 of the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1), amended by section 30 of this Act, after the coming into force of that section 30.

83. Unless the context indicates otherwise or this Act provides otherwise, in any Act or regulation or in any other document, a reference to the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1) or to any of its provisions is a reference to the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1) or to the corresponding provision of the latter Act.

84. The provisions of this Act come into force on (*insert the date of assent to this Act*), except those of section 1, section 2, insofar as they enact sections 1 and 2 of the Act to provide a framework for underground reservoirs and certain pipelines (chapter S-34.1), and sections 3 to 49, 51 to 70 and 73 to 77, which come into force on the date or dates set by the Government.

